

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

YOLANDA XICOHTENCATL	:	
Plaintiff,	:	
	:	
v.	:	3:11-cv-01032(PCD)
	:	
UNITED STATES OF AMERICA and	:	
YALE NEW HAVEN HOSPITAL	:	
Defendants.	:	

RULING ON MOTION TO DISMISS

Defendant Yale New Haven Hospital [the “Hospital”] has moved, pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, to dismiss Plaintiff Yolanda Xicohtencatl’s medical malpractice claim against it. The Hospital asserts that the claim should be dismissed on the ground that the Court lacks personal jurisdiction over it because the plaintiff failed to comply with the requirements of Conn. Gen. Stat. § 52-190a.

Plaintiff has not filed a certificate of good faith with an attached supportive report by a qualified health care provider, which is required to commence a medical malpractice action in Connecticut. See Conn. Gen. Stat. § 52-190a. Section 52-190a explicitly provides that the “failure to obtain and file the written opinion required by subsection (a) of this section shall be grounds for the dismissal of the action.” Id. § 52-190a(c). See also Williams v. Nat’l R.R. Passenger Corp., 16 F. Supp. 2d 178, 181 (D. Conn. 1998); Anghel v. St. Francis Hosp. & Med. Ctr., No. Civ. 303CV00864 (AWT), 2005 WL 736837, at *5 (D. Conn. March 30, 2005) (“To bring a claim for medical malpractice, a plaintiff also must provide the certificate of good faith required by Connecticut General Statutes section 52-190a.”). Because Plaintiff has failed to obtain and file a certificate of good faith, any claim of medical malpractice raised in the

Complaint must be dismissed. Accordingly, the Hospital's Motion to Dismiss [Doc. No. 7] is **granted.**

SO ORDERED.

Dated at New Haven, Connecticut, October 11, 2011.

/s/
Peter C. Dorsey
United States District Judge